

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

IN RE:

RAYMAK ENTERPRISES LLC

Debtor

Case No. 23-40141

Chapter 7

TRUSTEE’S APPLICATION TO APPROVE EMPLOYMENT OF ATTORNEYS

YOUR RIGHTS MAY BE AFFECTED BY THE RELIEF SOUGHT IN THIS PLEADING. YOU SHOULD READ THIS PLEADING CAREFULLY AND DISCUSS IT WITH YOUR ATTORNEY, IF YOU HAVE ONE IN THIS BANKRUPTCY CASE. IF YOU OPPOSE THE RELIEF SOUGHT BY THIS PLEADING, YOU MUST FILE A WRITTEN OBJECTION, EXPLAINING THE FACTUAL AND/OR LEGAL BASIS FOR OPPOSING THE RELIEF.

NO HEARING WILL BE CONDUCTED ON THIS APPLICATION UNLESS A WRITTEN OBJECTION IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AND SERVED UPON THE PARTY FILING THIS PLEADING WITHIN FOURTEEN (14) DAYS FROM THE DATE OF SERVICE SHOWN IN THE CERTIFICATE OF SERVICE UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH OBJECTION. IF NO OBJECTION IS TIMELY SERVED AND FILED, THIS PLEADING SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. IF AN OBJECTION IS FILED AND SERVED IN A TIMELY MANNER, THE COURT WILL THEREAFTER SET A HEARING WITH APPROPRIATE NOTICE. IF YOU FAIL TO APPEAR AT THE HEARING, YOUR OBJECTION MAY BE STRICKEN. THE COURT RESERVES THE RIGHT TO SET A HEARING ON ANY MATTER.

COMES NOW Mark A. Weisbart, Chapter 7 Trustee (“Trustee”) in the above-numbered bankruptcy case, and files this his Application to Approve Employment of Attorneys pursuant to 11 U.S.C. § 327, and in support hereof, would show the Court the following:

1. On January 25, 2023, a voluntary petition under Chapter 7 of the Bankruptcy Code was filed by the Debtor. Mark A. Weisbart is the duly appointed Trustee.

2. The Trustee wishes to employ himself and his law office Hayward PLLC (collectively the “Firm”) to represent him in the above-numbered bankruptcy case effective as of March 24, 2023.

3. The Trustee has selected the Firm for the reason that it has considerable experience in matters of this nature. The Trustee believes that the Firm is well qualified to represent the Trustee in this bankruptcy case.

4. In addition to the standard legal services performed by counsel for a Chapter 7

Trustee, the professional services of the Firm will include pursuing the recovery and sale of estate assets.

5. The Firm represents no adverse interest to the Trustee or to the bankruptcy estate in the matters for which it is to be engaged. The Trustee will perform legal services through The Firm, on his own behalf, and is familiar with the quality and legal expertise of its members. The Firm's employment would be in the best interest of this estate. To the best of the Trustee's knowledge, the Firm has no connection with the Debtor, the creditors, any other party-in-interest or their respective attorneys, and accountants, the United States Trustee or any person employed in the Office of the United States Trustee. (See attached Affidavit of Mark A. Weisbart).

6. The Firm represents the Trustee in many of his chapter 7 bankruptcy cases. The Firm has determined that its representation of the Trustee in these cases does not create a conflict. A list of cases in which the Firm represents the Trustee can be provided upon request.

7. Trustee requests approval to retain the Firm as counsel pursuant to 11 U.S.C. §327(a) as Trustee believes that the retention of the Firm is in the bankruptcy estate's best interest.

8. 11 U.S.C. § 327(a) provides that a trustee may, with the Court's approval, employ one or more attorneys that do not hold or represent an interest adverse to the estate, and that are disinterested persons, to represent or assist the trustee in carrying out the trustee's duties under the Bankruptcy Code.

9. The terms of the employment of the Firm agreed to by the Trustee and subject to the approval of the Bankruptcy Court, are for services to be rendered at the normal hourly billing rates for legal services performed by the Firm. The Firm's billing rates for cases of this size and nature are as follows: Mark A. Weisbart – \$515.00 per hour; John Lewis – \$400.00 per hour; Melissa Hayward – \$450.00 per hour; James S. Brouner – \$450.00 per hour; Jamie Kirk – \$300.00 per hour; Michael Gilmore – \$225.00 per hour; Ruth Van Meter – \$500.00 per hour; paralegal/legal

assistants – \$195.00 per hour. These rates are subject to annual adjustments. The Firm will, from time to time, make application to this Court for approval of its legal fees and reimbursement of its out-of-pocket expenses.

WHEREFORE, PREMISES CONSIDERED, the Trustee prays that his Application to Approve Employment of Attorneys be approved by this Court under the terms specified above, and for such other and further relief to which he may show himself to be justly entitled.

Respectfully Submitted,

/s/ Mark A. Weisbart

Mark A. Weisbart
Texas Bar No. 21102650
HAYWARD PLLC
10501 N Central Expy, Suite 106
Dallas, TX 75231
(972) 755-7103 Phone/Fax
MWeisbart@HaywardFirm.com

COUNSEL FOR CHAPTER 7 TRUSTEE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing instrument was served on the parties on the attached mailing list in accordance with LBR 9013(f) either through the Court's electronic notification system as permitted by Appendix 5005 III. E. to the Local Rules of the U.S. Bankruptcy Court for the Eastern District of Texas, or by first class United States Mail, postage prepaid on this the 24th day of April 2023.

/s/ Mark A. Weisbart

Mark A. Weisbart

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

IN RE:

RAYMAK ENTERPRISES LLC

Debtor

Case No. 23-40141
Chapter 7

**AFFIDAVIT OF ATTORNEYS IN SUPPORT OF TRUSTEE'S
APPLICATION TO APPROVE EMPLOYMENT OF ATTORNEYS**

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

I, Mark A. Weisbart, being first duly sworn, under oath, state:

1. “I am an attorney in the law firm of Hayward PLLC (the “Firm”) located at 10501 N Central Expy, Suite 106, Dallas, Texas 75231. In that capacity I am authorized to execute this Affidavit and I have personal knowledge of the facts stated herein and they are true and correct.

2. This Affidavit is prepared in connection with the Trustee’s Application To Approve Employment of Attorneys in which the Trustee seeks authority to employ himself, his staff and the Firm as his attorneys in this case pursuant to 11 U.S.C § 327.

3. The Firm has not been contacted to represent any of the Debtor’s creditors and is itself not a creditor of the Debtor.

4. The Firm has determined that it has not represented any creditors or related entities in matters related to this bankruptcy case. The Firm in the ordinary course of its business, may have represented from time to time entities or individuals which are creditors of the Debtor in unrelated matters. To the best of the Trustee’s knowledge, the Firm has no connection with the Debtor, the creditors, any other party-in-interest or their respective attorneys, and accountants, the United States Trustee or any person employed in the Office of the United States Trustee.

5. Based on the foregoing, the Firm believes that it has no adverse interest to the Debtor or to the bankruptcy estate in matters for which it is engaged for the Trustee and that its employment will be in the best interest of this estate. Further, the Firm believes that it has fully complied with the requirements of 11 U.S.C. § 327 and is a “disinterested person” as set forth in such section and that no conflict of interest arises from its employment as Trustee’s counsel. Finally, the Firm has never served as an examiner for the Debtor.

6. The Firm represents that the foregoing constitutes a complete and full disclosure of all prior and current representation of clients which have any connection to this case, and that it has done everything within its power to discover any conflicts. However, the Firm reserves the right to supplement and amend this Affidavit should it discover further information concerning its past and present representation of clients which relates to the Debtor, its creditors and other parties-in-interest, or in any other way is related to this case.

7. The professional services of the Firm will include those identified in the Application and may include services generally performed by counsel for a bankruptcy trustee, such as assisting in the administration of the case, evaluating and pursuing avoidance actions, prosecuting claim objections, investigating into the acts, conduct, assets, liabilities, and financial condition of the Debtor, drafting pleadings, and performing other litigation functions.

8. To the best of my knowledge, the information contained herein is true and accurate.”



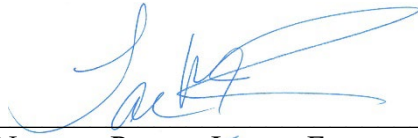
MARK A. WEISBART
HAYWARD PLLC

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

BEFORE ME, the undersigned Notary Public, on this day personally appeared Mark A. Weisbart, known to me to be the duly authorized agent for the person whose name is subscribed to the foregoing Affidavit, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

SUBSCRIBED TO AND SWORN TO BEFORE ME this 24th day of April 2023.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.



NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

My Commission Expires:



Label Matrix for local noticing

Christopher V. Arisco

Larry Chek

0540-4

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Palmer Lehman Sandberg, PLLC

Case 23-40141

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Mon Apr 24 07:51:05 CDT 2023

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Raymak Enterprises, LLC

US Trustee

Brian J. Wagner

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110 N. College Ave.

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Irvine, CA 92614-8595

(p)MARK A WEISBART

ATTN THE LAW OFFICE OF MARK A WEISBART

10501 N CENTRAL EXPY SUITE 106

DALLAS TX 75231-2203

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

Mark A. Weisbart

End of Label Matrix

Chapter 7 Bankruptcy Trustee

Mailable recipients 9

10501 N Central Expy Suite 106

Bypassed recipients 0

Dallas, TX 75231-2203

Total 9